



**STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION**

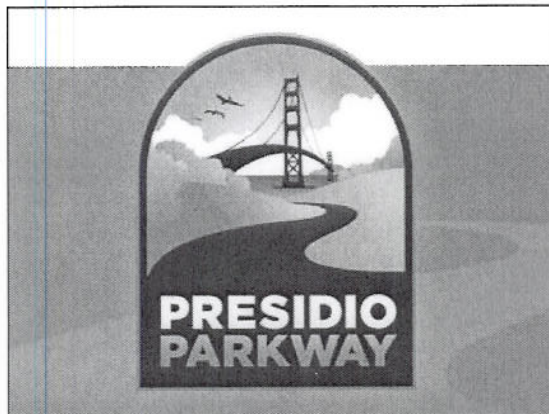


**SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY**

**REQUEST FOR QUALIFICATIONS**

**ADDENDUM 1**

**NUMBER 04-1637U4**



**TO DESIGN, BUILD, FINANCE, OPERATE AND MAINTAIN  
THE PRESIDIO PARKWAY PROJECT  
THROUGH A  
PUBLIC-PRIVATE PARTNERSHIP AGREEMENT**

## Reponses to Bidder Questions

**Note: All other terms and conditions of the original RFQ dated February 2, 2010, shall remain the same.**

### **Question 1**

Engineering firms will be trying to get on some teams for the subject project and we are trying to determine if we would qualify as a "Lead Engineering Firm" as well as a "Lead Engineer" as defined on Pages 5,19, & 20 of the RFQ. Specifically on Page 20 in Section 6.2.1.3 (e) iv, it states that the Lead Design Engineer must have experience as the lead designer for final design on at least two highway projects, each having a construction value of more than \$100 million which in fact we do have. However on Form D-1 (C) it says to list 2 projects in excess of \$400 Million. Is this correct or should it say \$100 million?

### **Answer 1**

The "Lead Engineering Firm" is a firm. The "Lead Engineer" or "lead design engineer" is an individual. Form D-1 refers to the Lead Engineering Firm.

### **Question 2**

Page 24, Section 7.0, in item (ii) it states that Form D-1 should be filled-out when we believe that this should state Form D-2 for the Contractor. Please also confirm if this should say in excess of \$100 million in lieu of \$400 million.

### **Answer 2**

Pending

### **Question 3**

Page 24, Section 7.0 in item (iii), it says to fill out Form D-2 when we believe that this should state Form D-1 for the Designer. Please also confirm if this should say in excess of \$100 million in lieu of \$400 million.

### **Answer 3**

Pending

### **Question 4**

The RFQ at 7.2.e.iv and Form D-3 asks for Experience of the firm that will be performing Operations and Maintenance for the project, and that the experience must be on a comparable project to Presidio Parkway. Since highways in the California network are all operated and maintained by the Department of Transportation (Caltrans) including other P3s such as SR-125, what type/scope of operations and maintenance would be comparable? Form D-3 specifies managing traffic during construction. Normally this is handled by a design build team during the construction period. Note that the requirement for maintenance of traffic during construction is also requested on Form D-2 for Lead Contractor. Can you be more specific about the criteria for an Operations and Maintenance firm?



**Answer 4**

The RFQ is requesting information regarding the operations and maintenance experience on project similar to the Presidio Parkway Project, whether in California or not, including operation and maintenance of facilities open to traffic during construction.

**Question 5**

In the RFQ at 7.2.e.iv for the relevant experience of the Lead Operations and Maintenance Firm, how will the "50% of the ultimate responsibility" be measured? While a firm may manage the entire operations and maintenance, it may not self-perform 50% of the work due to local practices or M/DBE requirements. Could the following be added in addition to the current wording: "The relevant experience must be on a project where the Lead Operations and Maintenance Firm held a minimum fifty percent (50%) of the ultimate responsibility or evidence of having the leading role for the listed operations and maintenance experience".

**Answer 5**

Pending

**Question 6**

The RFQ at 7.2.e.ii states that if the Lead Contractor is a joint venture, experience must be from partners who will perform at least 30% of the construction work. This implies that only line item joint ventures will be accepted. Most design build joint ventures are integrated organizations with all members contributing to staffing. Will this organization be acceptable?

**Answer 6**

An integrated design-build organization is acceptable, provided the requirements in the RFQ are satisfied.

**Question 7**

The RFQ at 6.2.1.2.f.i and ii is confusing. If we provide the letter per 6.2.1.2.f.i, what additional is to be provided at ii? We have never seen a security package for a Lead Engineering Firm on any P3 as an example. While i only addresses performance bond, ii adds payment bond as an alternative. Generally lender security requirements are not specified in a RFP but negotiated with the lenders. May we address i as stated and address ii when such requirements are identified? Further, RFQ Section 4.5 indicates Developer may be required to provide performance bond while 6.2.1.2.f indicates that Lead Contractor is to furnish. Please clarify?

**Answer 7**

Section 6.2.1.2.f (i) requires proof of performance bonding capacity on the part of the Lead Contractors, or proof of the ability of the Proposer to obtain a letter of credit. Specific security requirements will be set forth in the RFP. Section 6.2.1.2 f (ii) is seeking narrative on approach of the Proposer to securing performance.

**Question 8**

The RFQ at 6.2.1.2.g asks for proof of capacity to acquire insurance but does not provide any guidance on limits. Such proof will have to be conditioned to that commercially available until limits are identified. It also asks for the names of specific insurance companies while such proof of capability generally are from a major insurance agent that can provide insurance from any number of firms. Will this be acceptable?

**Answer 8**

Proof from an insurance agent is acceptable. Specific insurance requirements will be set forth in the RFP.

**Question 9**

The RFQ at 6.2.1.2.h asks for a financing approach. Such approaches are generally based upon the payment stream expected from the client which has only been provided in general terms at RFQ Section 3.2. There is general knowledge of the sources of funds that are available for the project but nothing on the payment mechanism. Can Sponsor provide additional information on split between availability payments and milestone payments? Without such information, the approach will need to be very general. Will this be acceptable or can additional payment structure information be provided?

**Answer 9**

Yes, a general approach is acceptable.

**Question 10**

The RFQ Forms D-1 and D-2 say that only two projects can be submitted but goes on to require those projects to represent seismic reconstruction, viaduct construction, cut and cover construction and maintenance of traffic during construction and for projects only over \$400 Million and within last 4 years. If it takes more than two projects to address each of these experiences, may they be submitted? If a Lead Contractor is a joint venture, can/should two projects be submitted for each member?

**Answer 10**

Forms D-1 and D-2 are limited to two projects each. Section 6.2.1.3(d) permits additional projects to be described.

**Question 11**

RFQ 6.2.1.2.b and Form C-2 provide information that is considered confidential by some members of our team. May Form C-2 be completed individually and be included with financial statements per 6.2.1.2.c in Volume 2 for those that the information is considered confidential?

**Answer 11**

Pending

**Question 12**

The RFQ at 6.2.1.1 (g) in relation with 7.2 (l) states that when the Proposer is a Consortium, partnership or any other form of a joint venture, or an association that is not a legal entity, the SOQ



should include a letter indicating each members willingness to accept joint and several liability. We interpret the definitions to say that the Proposer becomes the Developer at commercial closing. The joint and several requirement than applies only to members of the Proposer/Developer. Please confirm our interpretation?

**Answer 12**

Pending

**Question 13**

7.2(e).ii refers to the experience of the Lead Contractor and requires that Form D-1 be completed. On Form D-1, it states that the form should be filled out with the experience of the Lead Engineering Firm. 7.2(e).iii refers to the experience of the Lead Engineering Firm and requires that Form D-2 be completed. On Form D-2, it states that the form should be filled out with the experience of the Lead Contractor. Can we assume that the headings on the forms are correct rather than the text in 7.2?

**Answer 13**

Pending

**Question 14**

Generally the Developer will be a special purpose entity that will be created prior to execution of the document, but not necessarily prior to award—in order to minimize unnecessary fees/taxes in connection with such creation in the event that particular proposer is not selected.

**Answer 14**

Specific licensing and qualification requirements will be set forth in the RFP.

**Question 15**

Confirmation the term “Proposer” includes all members of the consortium, including the Equity and Non-Equity Members. The definition of “Proposer” throughout the RFQ generally appears to refer to the consortium as a whole (including both Equity and Non-Equity Members), but some references to the term “Proposer” should probably be references to the Equity Members.

For example: the reference to the Proposer in Section 7.2(l) would more appropriately reference the Equity Members, as they are the entities that form the Developer. Requiring a joint and several liability agreement between all Equity and Non-Equity Members is not common, as Equity Members do not often take joint and several liabilities with entities such as the Lead Engineering Firm. Such a requirement at this stage of the RFQ process will likely be quite time consuming to negotiate and would add little value to the Project.

**Answer 15**

Pending

**Question 16**

Form F indicates that Guarantor has to complete a separate Form F; however, in Form F all of the questions refer to the firm and its "affiliate," which includes relevant parent companies. If the Guarantor is the parent company, once the submitter answers all of the questions on behalf of the firm

and its affiliate, the submitter is also providing the answers of its parent company (the "Guarantor"), thus it would not be necessary to have a separate Form F completed by the parent company as a guarantor because the answers for this guarantor have already been included in the Form F executed by the Submitter.

**Answer 16**

If the guarantor is not a parent company, it must fill out a separate Form F.

**Question 17**

Question 8 of Form F does not provide any threshold for determination. During transportation projects, many items can be determined through dispute resolution, thus a threshold would make answering this question more reasonable—particularly in respect of the large guarantors that have many affiliated entities, etc.

**Answer 17**

Pending

**Question 18**

In 6.2.1.2 the Sponsor states that, "Financial Statements must be provided in United States Dollars". However, this is not possible for team members (or Guarantors) that are not headquartered in the US. Therefore, would it be acceptable for the Sponsor to accept Financial Statements in their country-of-origin currency?

**Answer 18**

Pending

**Question 19**

In Form B, item D we note that you repeat the "Lead Contractor" section, please confirm whether this is intentional?

**Answer 19**

The first "Lead Contractor" is provided as an example only.

**Question 20**

The various teaming agreements as required by the SOQ may contain confidential and proprietary information. Therefore, we request that the Sponsor allow Proposers to include the teaming agreements as part of the "Confidential Proprietary Information" volume.

**Answer 20**

Pending

**Question 21**

Regarding RFQ requirements "Pass / Fail Review" 7.2(k) the RFQ states that, "If the Proposer is a consortium, partnership or any other form of joint venture, the SOQ should contain an executed teaming agreement. If the entities making up the Proposer have not executed a teaming agreement, the summary of key terms of the anticipated agreement should be included in the SOQ.



In order to fulfill this requirement our team anticipates providing the following agreements:

- An Memorandum between the Equity Members,
- A Teaming Agreement executed by the Lead Equity Member and Lead Contractor,
- A Design-Build Joint Venture Agreement, outlining the key commercial aspects of the Lead Contractor JV relationship; and
- A Lead Engineers Consultancy Agreement, which outlines the key commercial aspects of the relationship between the Lead Contractor JV and the Lead Engineering Firm.

Can the Sponsor please advise, if together, these agreements provide sufficient information to satisfy the requirements of 7.2(k)?

**Answer 21**

These materials would appear to be the type that could meet the requirements, provided they contain “the summary of key terms of the anticipated agreement” between the entities making up the Proposer.

**Question 22**

We seek your guidance with regard to Section 7.2(l) of the Request for Qualification: Joint and Severable Liability Letter.

We believe it not to be market standard that Equity Member and Major Non-Equity Members are jointly and severally liable for obligations arising under a competitive procurement process.

Typically, the consortium members do not form a partnership that is jointly and severally liable for its obligations. Each party is responsible for its proposed role within the consortium. If such role is fulfilled by more than one party, such parties are jointly and severally liable for its obligations under such role.

However, the individual members of the Proposer do not contemplate a joint and several liability and we ask you to clarify that a declaration to accept joint and several liability is sought only from members from of the consortium that jointly fulfill one role within the Proposer.

**Answer 22**

Pending

**Question 23**

In forms D-1 and D-2, may each Contractor making up the “Lead Contractor” (ie. Contractor’s Joint Venture Team) list two projects, or is there a maximum limit of two projects per team?

**Answer 23**

Forms D-1 and D-2 permit a maximum of two projects per team.

**Question 24**

Currently, scoring is shown as 45% Financial, 50% Technical, and 2.5% each for Statement of Financial Approach and Statement of Technical Approach. In order to better understand the SOQ requirements and their respective importance, could the Sponsor provide the scoring subcriteria in further detail?

**Answer 24**

No additional information will be provided.

**Question 25**

Due to the extensive private sector costs incurred during the pursuit of these types of projects and the industry standards in shortlist we would suggest the Sponsor consider limiting the shortlist to 3 groups and providing a stipend falling within a range of \$2-3 million.

**Answer 25**

Noted.

**Question 26**

In the interest of developing the best possible consortia for the project within a limited amount of time, can the Sponsor please advise us if there will be additional firms added to the "conflicted list"?

**Answer 26**

Sponsors reserve the right to add additional names.

**Question 27**

In an effort to better provide CT and SFCTA with a high quality proposal, it would be helpful to obtain some of the design documents in an electronic format. Our Lead Contractor has previously received this type of information from CalTrans on other projects. As this project is on an accelerated timeline, we respectfully request this information be provided prior to, or with the RFP. Following is a list of items requested:

- Project topo mapping and digital terrain model for the project area in electronic format.
- Scope and plans for the "Utility relocation" contract, available electronic data of utility located within the project limits, and copies of available utility as-builts and agreements.
- Electronic alignment data (horizontal, vertical, and super elevations) for contracts 3, and
- Electronic alignment and right-of-way data (existing and proposed ROW, and easements) for the proposed project (contracts 5, 6, and 7).
- Scope of work and extent (including limits of work) of landscaping, and aesthetic treatment included in the proposed project (contract 8).
- Electronic copies of the approved Project Report, Structure Type Selection Reports, and Traffic Management Plan.
- Available geotech reports and boring logs for the project area.
- Published data and recommendations from the geotechnical demonstration program (CDSM and pile indicators).



**Answer 27**

Additional information will be provided with the RFP.

**Question 28**

We are interested in reviewing all hazardous materials information. We understand that the following reports may be available but that we have been unable to access:

- Revised Preliminary Site Investigation, Baseline, 2004
- Lead contamination due to sand blasting below the high-viaduct, Apex, 1999
- Nolte Associates report on the mass of lead in soil to be off-hauled, Nolte, 1996
- Asbestos evaluation of several historic buildings containing asbestos, Caltrans, 1993
- Site Investigation Report that addresses the residual soil and groundwater contamination that will remain in areas of the proposed tunnels, Section 10.6 of Final Preliminary Geotechnical Report, October 2004
- The building surveys that identify potential presence of PCBs, TCE, and TCA inside several buildings along Doyle Drive, Section 10.4 of Final Preliminary Geotechnical Report, October 2004
- Source of the comment in Section 10.5 of Final Preliminary Geotechnical Report, October 2004 that the volume of serpentine excavated will be 12,000 cubic meters
- Likelihood of encountering groundwater in the Franciscan formation, The Hydrology and Water Resources Report, Baseline 2001
- Soil and Groundwater Investigation which was expected to be complete in Summer 2009, see Exhibit K-3, Summary of Required Permits and Environmental Commitments, Page K-19, Doyle Drive FEIS/R

Can you please indicate where I can gain access to these documents?

**Answer 28**

Additional information will be provided with the RFP.

**All other terms and conditions of the original RFQ dated February 2, 2010, shall remain the same.**